

1 PHILLIP A. TALBERT  
2 United States Attorney  
3 ALEXANDRE DEMPSEY  
4 Assistant United States Attorney  
5 2500 Tulare Street, Suite 4401  
6 Fresno, CA 93721  
7 Telephone: (559) 497-4000  
8 Facsimile: (559) 497-4099

9  
10 Attorneys for Plaintiff  
11 United States of America

12  
13 IN THE UNITED STATES DISTRICT COURT  
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,  
16 Plaintiff,  
17 v.  
18 HUU TIEU,  
19 Defendant.

20 CASE NO. 1:20-CR-00109-DAD-BAM  
21 STIPULATION REGARDING EXCLUDABLE  
22 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
23 FINDINGS AND ORDER  
24 DATE: December 14, 2022  
25 TIME: 1:00 p.m.  
26 COURT: Barbara A. McAuliffe

27 **STIPULATION**

28 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
through defendants' counsel of record, hereby stipulate as follows:

- 29 1. By previous order, this matter was set for status on December 14, 2022.
- 30 2. By this stipulation, defendants now move to continue the status conference until March 8,  
31 2023, and to exclude time between December 14, 2022, and March 8, 2023, under Local Code T4.
- 32 3. The parties agree and stipulate, and request that the Court find the following:
  - 33 a) The government has represented that the discovery associated with this case  
34 includes investigative reports, recordings, electronic evidence, and other documents that exceeds  
35 23,772 pages. All of this discovery has been either produced directly to counsel and/or made  
36 available for inspection and copying.

1                   b)     Counsel for defendant desires additional time to conduct investigation and  
2 research related to the charges, to review discovery for this matter, and to discuss possible  
3 resolutions with the government and the defendants.

4                   c)     Counsel for defendant believes that failure to grant the above-requested  
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
6 into account the exercise of due diligence.

7                   d)     The government does not object to the continuance.

8                   e)     Based on the above-stated findings, the ends of justice served by continuing the  
9 case as requested outweigh the interest of the public and the defendants in a trial within the  
10 original date prescribed by the Speedy Trial Act.

11                  f)     For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 et seq., within which trial must commence, the time period of December 14, 2022 to March 8,  
13 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
14 T4] because it results from a continuance granted by the Court at defendants' request on the basis  
15 of the Court's finding that the ends of justice served by taking such action outweigh the best  
16 interest of the public and the defendants in a speedy trial.

17       4.     Nothing in this stipulation and order shall preclude a finding that other provisions of the  
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
19 must commence.

20                  IT IS SO STIPULATED.

21                  Dated: December 7, 2022

PHILLIP A. TALBERT  
United States Attorney

/s/ ALEXANDRE DEMPSEY  
ALEXANDRE DEMPSEY  
Assistant United States Attorney

26                  Dated: December 7, 2022

/s/ JOHN GARLAND  
JOHN GARLAND  
Counsel for Defendant  
HUU TIEU

## **ORDER**

IT IS SO ORDERED that the status conference is continued from December 14, 2022, to **March 8, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: December 7, 2022

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE